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Thursday, October 24, 2002

Mayor Kevin Foy  
Town of Chapel Hill,  
306 N. Columbia St.,  
Chapel Hill, North Carolina 27516

Dear Mayor Foy;

I do not immediately assume that the working press always quotes public servants accurately. So perhaps I do not understand the full range of your thinking as regards the parking issues confronting our area as presented in the Friday, October 18, 2002 issue of *The Herald Sun*. Then again, you spoke to the issue of "legal rights" and I am not an attorney. If the extent of your quoted remarks is accurate, then I have to conclude that I need a great deal of practice with regards to public speaking, providing documentation, and communicating with our City's leadership.

Clearly I failed to address the precise statues. Although my purpose was to try to illustrate that the proposed project does not conform to what even Mr. Gerlitz refers to as, "parking requirements" nor is it practical. One has to believe that no one builds an entertainment complex simply to have it! One would hope to fill it up during the windows of opportunity that exist. For a movie complex that is principally, Friday and Saturday nights, and depending on the features being shown, Sundays.

It is only ten years ago, before Timberline, and when our neighbor was operating with high quality 1<sup>st</sup> run films, that parking was so difficult that Eastern Federal posted their parking lot as being for theater patrons only, after 2PM. By the way during those years, their neighboring Mark Properties did not have the 2 full service restaurants, or the other food service operations and active retailers as tenants. While your decision will insure that the "law" will rule as regard the Council's ability to set aside reasonable parking requirements, the question will be; will fairness and justice prevail?

As a citizen and member of Chapel Hill's business and social fabric, I look to you and our other leaders to require that neighbors comply with the law, and related rules and regulations. Likewise I fully expect that our leaders and planners will examine the law, and regulations with a perspective of the likely intent. So comes the question. By the way the question is not, where do we park! **The question is where do "they" park.**

Do you really believe that a nearly 1,800-seat movie complex will function with 144 parking places? Even when examining the easement relationship with Mark Properties, it is clear that there will be a serious shortfall admitted to be more than 400 by current standards.

Our portion of the Plaza, I am referring to the portion from Red Hot & Blue to Whole Foods exceeds requirements, albeit barely. I know there have been times when exceptions to regulations have benefited us, in particular me. However previous exceptions did in no way pose a danger, or potential harm to any of our neighbors.

In any case I am sorry we failed to communicate or be "persuasive" about the fact that we were neither arguing the law, nor deliberating where we will park. We failed in our attempt to illustrate our concerns about being overwhelmed by moviegoers. Instead we were hoping that our public leaders would ask Eastern Federal where "their" customers would park if the project were successful. It is quite sad that a failed business might be allowed to re tool in a manner that will clearly damage successful business. We believed we illustrated our points with the attachments we prepared for you and the Council and submitted to the City Manger.

The first attachment illustrated that when examining the Eastern Federal property as legally defined it is clear that in Phase I it is proposed that 144 parking places will service a 1,800-seat movie theater complex. This in itself is virtually bizarre. However when the advent of Phase II, the additional 25,000 square feet of development would likely reduce the 144 available movie patron parking places from a likely 124 to as low as 74. Nowhere in the discussion is the likely 10 to 12 parking places used by movie theater employees.

I just finished showing the drawings of the proposed project with Ted Royal, a local builder and developer. Ted built the 10-screen movie theater on Guess Road. He perceives that this might very well be a \$5,000,000 project. He cannot comprehend how it could succeed. His assumption is our fear. That is that Eastern Federal fully intends to let adjacent property owners and retailers simply "deal" with the consequences.

It will be sad if we as merchants are forced to determine where various customers are legally entitled to park. Can "overflow" moviegoers legally impede commerce? While the merchants that might suffer as tenants of Mark Properties are "legally" stuck, we are not. But why should anyone of us that depend on public good will be forced to police an untenable situation that the "law" allows to happen?

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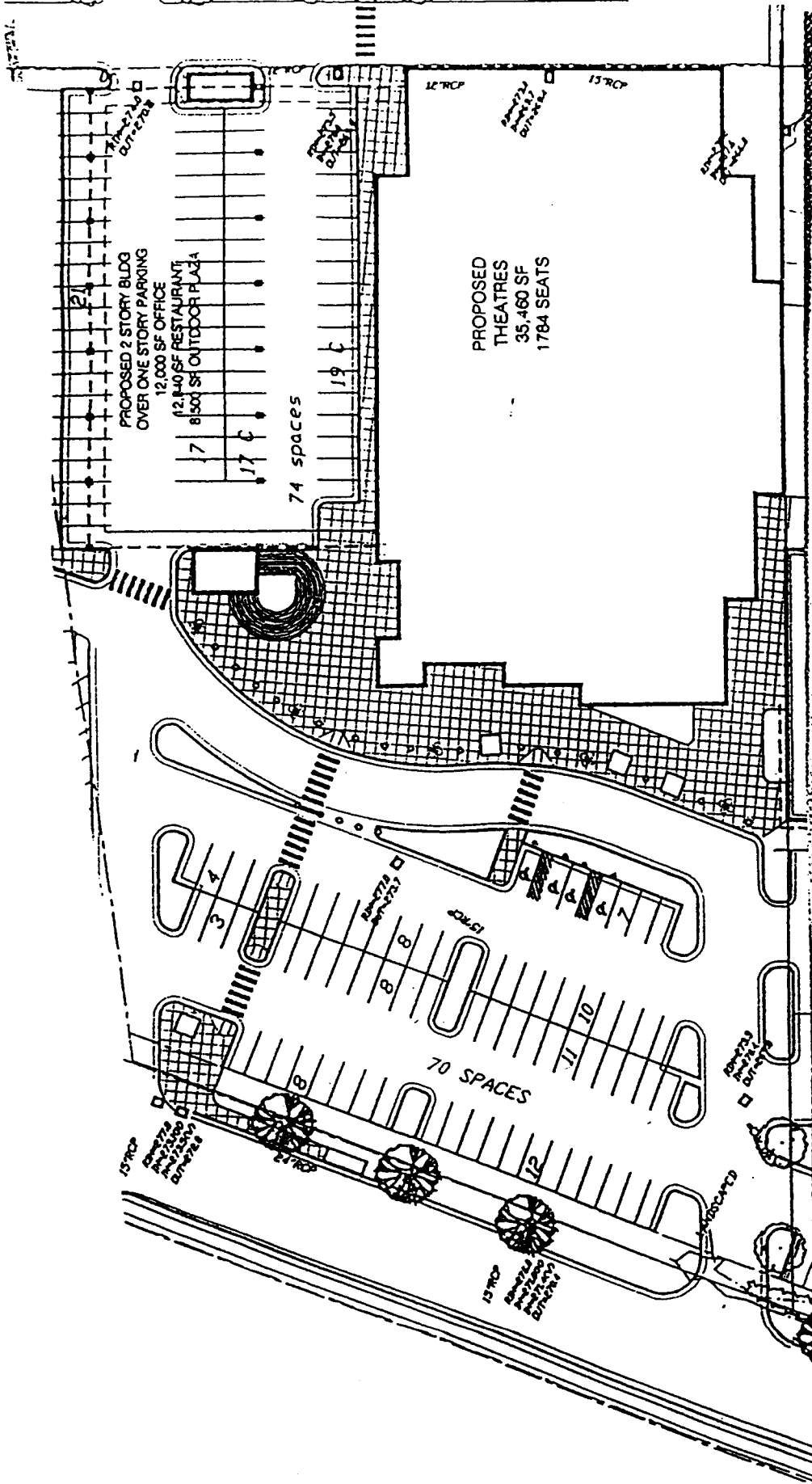
I share the sentiments of Council Member Bill Strom. It is good to see a business make an effort to stay and expand. However, one might also consider the price that might be paid. I like it here, and due to our success and the nature of my lease have received a number of offers from developers to move and become part of their community. So has Whole Foods. I stay because I feel like a contributing member of the community, and certainly the citizens have supported us. Then again, they can support us because we are accessible. If neighbors have the "legal" right to over develop, then the suggestion is that polices in place to protect commerce are subject to change on the basis of the best presentation wins. In real terms very successful community businesses that employ more than 440 people are being jeopardized for an entertainment complex that at best employees 25 people, most of whom are part time.

I respectfully request that you examine the materials we turned in to the City Manager prior to our remarks. We did so believing you would and that would save time during the meeting. In the meantime we shall re-group and determine how we might better and more effectively communicate our concerns.

Sincerely,

Jim Groot





Parking Analysis  
 Village Plaza - Chapel Hill NC 27514  
 Proposed renovation and expansion of the Village Plaza Theatres

59

APPLICANT PROPOSAL

	Village Plaza Theatres EXISTING BLDG Applicant Parcel			Village Plaza Theatres PROPOSED Applicant Parcel			Village Plaza Theatres PROPOSED Combined Parcels Theatre and Spa Properties		
	Parking Existin	Parking Required	Over (Under)	Parking Propose	Parking Required	Over (Under)	Parking Proposed	Parking Required	Over (Under)
FLOOR SPACE				1,784			1,784		
Theatre Seating	120	333	(213)	35,460	143	(303)	35,460	143	(303)
Theatre				12,840	0	(51)	12,840	0	(51)
Office				12,000	0	(48)	12,000	0	(48)
Restaurant							69,991	347	280
Spa shops/restaurant/retail									
TOTAL FLOOR SPACE	24,797	120	333	60,300	143	545	130,291	490	825
			-(213)			-(402)			-(335)

PROPERTY COMPARISON

	Cary, NC Existing Theatre Project			Village Plaza / Wellspring Grocery Existing Building		
	Parking Existin	Parking Required	Over (Under)	Parking Existing	Parking Required	Over (Under)
FLOOR SPACE				0		
Theatre Seating	80,900	1,036	954	83		
Theatre						
Grocery/ Shops/ Retail				89,000	358	356
TOTAL FLOOR SPACE	80,900	1,036	954	83	83	2
				89,000	358	356
						2

Comments:  
 The existing theatre parking has not been a problem even though they are under the total required stalls by 213. Probably due to slow theatre sales.  
 The new proposal drastically increases the parking deficit. Applicant is deficient in parking by 402 stalls on their own parcel and deficient 335 stalls on the combined parcel.  
 The Cary Theatre which exceeds the stall requirement by 83 stalls is generally congested on weekends and holidays with patrons parking illegally and on the landscape areas.  
 The Wellspring Grocery parcel exceeds the parking requirement by 2 stalls, however parking congestion exists weekdays and weekends until 8-9 pm.

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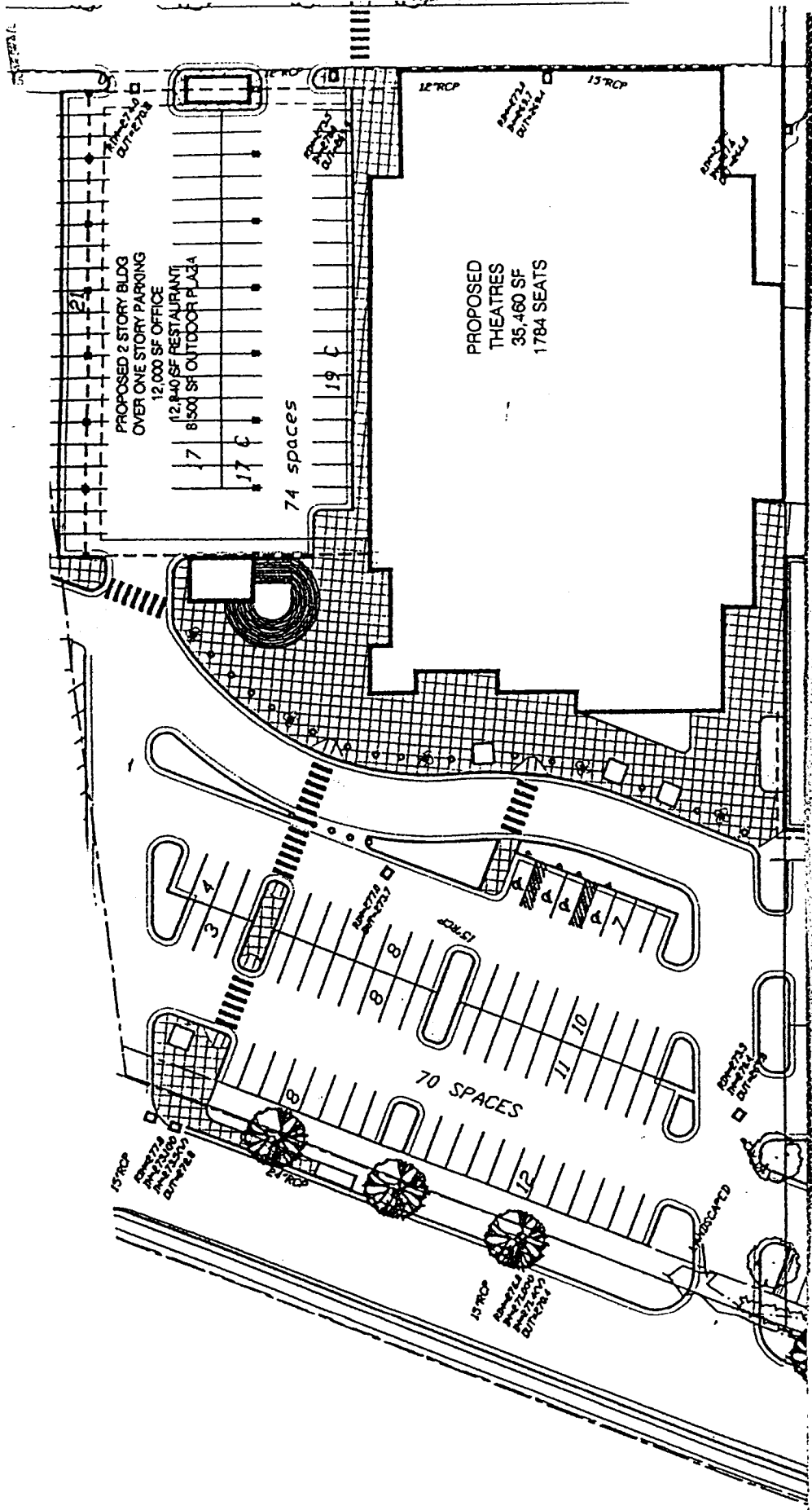
Wednesday, October 16, 2002

TO: Chapel Hill Town Council

FROM: Jim Groot

RE: Village Plaza Shopping Center Renovation

1. That the use of development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property or that the use or development is a public necessity.
2. It seems to be that under the above provision one cannot easily ignore the range of potential problems resulting from the extreme lack of parking places.
3. In fact given the site alone, see the following page, in reality a 1, 784 seat movie theater complex (Without even focusing on Phase II.) is being proposed with a dedication of 144 parking places.
4. While a cross easement exists with the Mark Properties portion of the shopping center, this alone might not serve to mitigate the overall shortage of 335 to 402 parking places as proposed. For example on a similar scale the attached document, page two shows that in Cary an existing movie theater allows for more than 1 parking places per 4 seats on their own site. This theater experiences serious congestion on weekends and holidays, patrons park illegally and on landscaped areas. Furthermore, the Mark Properties portion of the shopping center is often congested as a result of the Spa Health Club popularity, and that of other merchants. And, there is approximately 12,000 square feet of available space that when filled will further contribute to peak period parking issues.



Parking Analysis  
 Village Plaza - Chapel Hill NC 27514  
 Proposed renovation and expansion of the Village Plaza Theatres

APPLICANT PROPOSAL

	Village Plaza Theatres EXISTING BLDG Applicant Parcel		Village Plaza Theatres PROPOSED Applicant Parcel		Village Plaza Theatres PROPOSED Combined Parcels Theatre and Spa Properties	
	Parking Existin	Parking Over Required (Under)	Parking Propose	Parking Over Required (Under)	Parking Proposed	Parking Over Required (Under)
<b>FLOOR SPACE</b>	1,332		1,784		1,784	
Theatre Seating	24,797	333 (213)	35,460	143 (303)	35,460	143 (303)
Theatre			12,840	0 (51)	12,840	0 (51)
Office			12,000	0 (48)	12,000	0 (48)
Restaurant						
Spa shops/restaurant/retail					69,991	347 280 67
<b>TOTAL FLOOR SPACE</b>	24,797	333 (213)	60,300	143 (402)	130,291	490 825 (335)

PROPERTY COMPARISON

	Cary, NC Existing Theatre Project		Village Plaza / Wellspring Grocery Existing Building	
	Parking Existin	Parking Over Required (Under)	Parking Existing	Parking Over Required (Under)
<b>FLOOR SPACE</b>	3,814		0	
Theatre Seating	80,900	1,036 954 83		
Theatre				
Grocery/ Shops/ Retail			89,000	358 356 2
<b>TOTAL FLOOR SPACE</b>	80,900	1,036 954 83	89,000	358 356 2

Comments:

The existing theatre parking has not been a problem even though they are under the total required stalls by 213. Probably due to slow theatre sales.  
 The new proposal drastically increases the parking deficit. Applicant is deficient in parking by 402 stalls on their own parcel and deficient 335 stalls on the combined parcel.  
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